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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,123	09/08/2003	Mirko Penzo	713-487A	8656

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EXAMINER

GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,123

Applicant(s)

PENZO, MIRKO

Examiner

Dave A Ghatt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 24-28 is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 9-8-03 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09-08-03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9, 12-15, and, 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Randolph et al. (US 6,307,583 B1). With respect to claims 9 and 15, Figures 4 and 5 of Randolph et al. teach the claimed invention. Randolph teaches a ribbon-marking device for recording markings consecutively on a ribbon. The apparatus comprises an unwind spindle 10 supporting a supply spool (not numbered), a rewind spindle 20 supporting a take-up spool (not numbered), a plurality of ribbon guides (3, 5, 7, 9, 182, 184) about which the ribbon is to be entrained, the ribbon guides being arranged between the unwind spindle 10 and the rewind spindle 20 to define a path along which the ribbon operatively moves from the unwind spindle to the rewind spindle. Figure 4 of Randolph et al. also teaches a moving support 180 movable between a forward position (broken line) and a rearward position (solid line), the moving support supporting at least one of the moving guides (182, 184). Randolph et al. also teaches an elastic element 185 attached to the moving support 180 and biasing the moving support toward the rearward position (solid line). The applicant should note that the elastic element 185 biases the

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support towards both the forward and rearward positions. Figure 5 teaches a marking head 90, which as outlined in column 8 lines 11-19 is movable toward and away from the path.

With respect to claims 12 and 18, column 7 lines 7-10 of Randolph et al. teach a bi-directional motor coupled to the drive the rewind spindle 20 supporting the take-up spool (not numbered) in two opposite directions.

With respect to claims 13 and 19, as illustrated in Figure 4, the unwind spindle 10 supporting the supply spool (not numbered), is at least partially passively driven by the ribbon.

With respect to claims 14 and 20, in the apparatus of Randolph et al., the spindles (spools), ribbon guides, and spring elastic element 185, must all be supported on a frame of the cassette, in order for the apparatus to be operable. Figure 4 shows one end of the spring elastic element 185 attached to the moving support and the other end must be attached to the frame.

With respect to claim 21, the ribbon guides of Randolph et al. are idler rollers, as taught in column 6 lines 53-63.

With respect to claim 22, Figure 4 of Randolph et al. illustrates the moving support 180 moving toward the forward position when the ribbon is tractioned in an advance direction.

With respect to claim 23, the ribbon 2 taught by Randolph et al. must be heat sensitive because as outlined in the abstract, Randolph et al. teaches a heat sensitive ribbon.

Alternative 35 USC § 102 Rejection

3. Claims 9, 10, 11, 15, 16, and 17 are rejected under 35 U.S.C. 102^e(b) as being anticipated by Randolph et al. (US 6,307,583 B1). With respect to claims 9 and 15, Figures 4 and 5 of Randolph et al. teach the claimed invention. Randolph teaches a ribbon-marking device for

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recording markings consecutively on a ribbon. The apparatus comprises an unwind spindle 10 supporting a supply spool (not numbered), a rewind spindle 20 supporting a take-up spool (not numbered), a plurality of ribbon guides (3, 5, 7, 9, 182, 184) about which the ribbon is to be entrained, the ribbon guides being arranged between the unwind spindle 10 and the rewind spindle 20 to define a path along which the ribbon operatively moves from the unwind spindle to the rewind spindle. Figure 4 of Randolph et al. also teaches a moving support 180 movable between a *forward position* (solid line) and a *rearward position* (broken line), the moving support supporting at least one of the moving guides (182, 184). Randolph et al. also teaches an elastic element 185 attached to the moving support 180 and biasing the moving support toward the rearward position (solid line). The applicant should note that the elastic element 185 biases the support towards both the forward and rearward positions. Figure 5 teaches a marking head 90, which as outlined in column 8 lines 11-19 is movable toward and away from the path.

With respect to claims 10 and 16, as illustrated in Figure 4, Randolph et al. teaches a length of the path being longer when the moving support 180 is in the rearward position (broken line) than when the moving support is in the forward position (solid line).

With respect to claims 11 and 17, Figure 4 of Randolph et al. teaches the device including a braking element 62 for braking the supply spool (not numbered), supported on the unwind spindle 10 when the moving support 180 is in a position other than the forward position (solid line), wherein the braking element 62 is released by the moving support to allow supply of the ribbon when the moving support reaches the forward position (solid line).

Allowable Subject Matter

4. Claims 24-28 are allowed.

Claim 24 is indicated as allowed because the prior art of reference does not teach or render obvious the total method for recording markings claimed, including repeating steps b, c, and d for a number of times without unreeling the ribbon from the supply spool.

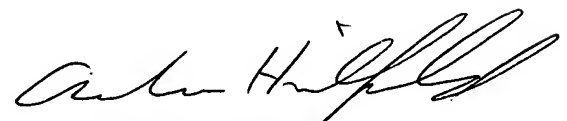
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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